



PATENT

Case Docket No. NEREUS.069A  
Date: March 12, 2004

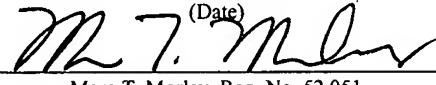
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott C. Mitchell, et al.  
App. No. : 10/673,036  
Filed : September 25, 2003  
For : MACROCYCLIC LACTAMS  
Group Art Unit : 1624

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 12, 2004

(Date)

  
Marc T. Morley, Reg. No. 52,051

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: MAIL STOP MISSING PARTS

Dear Sir:

This is a **Supplemental Response** which is being submitted subsequent to Applicants' Response to Notice to File Missing Parts of Application Under 37 CFR 1.53(f), filed on March 4, 2004. The mailing date of the Notice to File Missing Parts issued by the U.S. Patent and Trademark Office is January 5, 2004.

Enclosed are:

- (X) A Power of Attorney Form and Copy of Assignment.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (X) Return prepaid postcard.
- (X) The Commissioner is hereby authorized to charge any fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.

  
Marc T. Morley  
Registration No. 52,051  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mitchell, et al. )  
App. No. : 10/673,036 )  
Filed : September 25, 2003 )  
For : MACROCYCLIC LACTAMS )  
Examiner : Unknown )

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ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected

App. No. : 10/673,036  
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herewith. This appointment is to be to the exclusion of the inventors and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Nereus Pharmaceuticals, Inc.

Dated: March 4, 2004

By: Kobi M. Sethna

Title: President and CEO

Address: 10480 Wateridge Circle  
San Diego, CA 92121

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PATENT

Application No.: 10/673,036  
Filing Date: September 25, 2003

# - DO NOT RECORD -

Client Code: NEREUS.069A  
Page 1

## ASSIGNMENT

WHEREAS, We, Scott S. Mitchell, a citizen of the United States, residing at 3963 Eagle Street, #9, San Diego, California 92103, Benjamin Nicholson, a citizen of the United Kingdom, residing at 3936 Goldfinch Street, San Diego, CA 92103, have invented certain new and useful improvements in a MACROCYCLIC LACTAMS for which we have filed an application for Letters Patent in the United States, Application No. 10/673,036, Filed on September 25, 2003;

AND WHEREAS, NEREUS PHARMACEUTICALS, INC. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 10480 Wateridge Circle, San Diego, CA 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 4 day of March, 2004.

  
\_\_\_\_\_  
Scott S. Mitchell

STATE OF California }  
COUNTY OF San Diego } ss.

On March 4, 2004, before me, Rahim Salehpour, personally appeared Scott S. Mitchell personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
\_\_\_\_\_  
Notary Signature

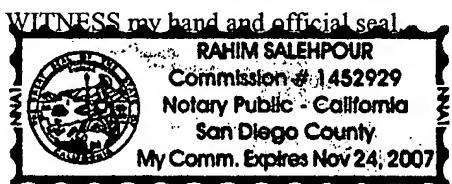
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 4 day of MARCH, 2004.

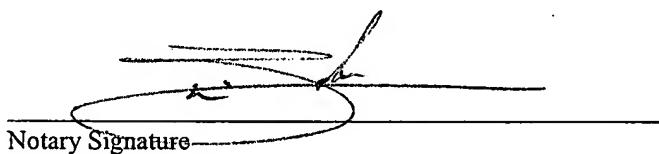


Benjamin Nicholson

STATE OF California }  
COUNTY OF San Diego } ss.

On March 1, 2004, before me, Rahim Salehpoor, personally appeared Benjamin Nicholson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

STATE OF }  
COUNTY OF } ss.

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared \_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that \_\_\_\_\_ executed the same in authorized capacity(ies), and that by \_\_\_\_\_ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
Notary Signature